

A RESOLUTION

BY TRANSPORTATION COMMITTEE

01- R-1431

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SANITARY SEWER EASEMENTS ACROSS FIVE SEPARATE PARCELS OF LAND OWNED BY THE CITY OF ATLANTA IN THE EAST MT. VIEW AREA ADJACENT TO HARTSFIELD ATLANTA INTERNATIONAL AIRPORT, WHICH SHALL CONVEY TO THE CLAYTON COUNTY WATER AUTHORITY THE RIGHT OF WAY FOR EXTENSION OF THE SANITARY SEWER SYSTEM IN THE MT. VIEW AREA OF CLAYTON COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, the City owns certain real property in the East Mt. View area of Clayton County east of Hartsfield Atlanta International Airport that was acquired under a Federally funded Airport Noise Mitigation Program for the purpose of relocating residents from noise impacted areas and redeveloping said property for commercial uses compatible with the Airport environment and satisfactory to Clayton County; and

WHEREAS, the Clayton County Water Authority is planning an extension of its sanitary sewer system in the Mt. View area that will cross five separate parcels of land owned by the City of Atlanta and, in connection therewith, has requested easements for sewer right-of-way across said parcels, as hereinafter set forth; and

WHEREAS, the City as owner of said parcels, and as owner and operator of Hartsfield Atlanta International Airport, has an interest in providing for utilities and services that will promote continued development in the Mt. View area; and

WHEREAS, the planned extension of the sanitary sewer system will enhance the value of the City's property and support redevelopment of the area, and thus the granting of said easements, as hereinafter set forth, is deemed to be in the public interest and in the interest of the City and of the Airport.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor be and hereby is authorized to execute on behalf of the City of Atlanta appropriate easements that will grant to Clayton County easements for right-of-way for the purpose of laying, constructing, and maintaining a sewer line across and through five separate parcels of land owned by the City of Atlanta in East Mt. View, such easements to be substantially in the form and manner of the copies of same attached hereto as Attachment I and made a part hereof by reference.

STILL FURTHER RESOLVED that the City Attorney be and hereby is directed to prepare said Easements for execution by the Mayor, each to be approved as to form by the City Attorney.

BE IT FINALLY RESOLVED that said easements shall not become binding upon the City of Atlanta, and the City of Atlanta shall not incur any obligation or liability thereunder until the same have been signed by the Mayor and delivered to the Clayton County Water Authority.

Clayton County Water Authority
1600 Battle Creek Road
Morrow, Georgia 30260

Job Name: Mt. View Outfall

Job No.

SANITARY SEWER EASEMENT

GEORGIA, CLAYTON COUNTY

THIS CONVEYANCE, executed this _____th day of _____, 2001,

That for and in consideration of the sum of One and 00/100 Dollars (\$1.00), in had paid, receipt of which is hereby acknowledged, the undersigned does hereby grant, sell and convey unto the Clayton County Water Authority and its successors in office, a perpetual easement for right-of-way for the purpose of laying, constructing, and maintaining a sewer line, said sewer line lying and being in Land Lot 14 of the 13th Land District of Clayton County, Georgia, and being more particularly described in Exhibits "A" and "B" attached hereto and incorporated herein by reference. Said sewer line to run across and through the following described lands:

All that tract or parcel of land located in the 13th Land District of Clayton County, Georgia, and being in Land Lot 14, said property being bounded as follows:

NORTH BY LANDS OF N/F JAMES E. FREEMAN,
WEST BY LANDS OF RIGHT OF WAY OF CONLEY CIRCLE,
SOUTH BY LANDS OF RIGHT OF WAY OF CONLEY CIRCLE and
EAST BY LANDS OF RIGHT OF WAY OF I-285.

Said right-of-way is to begin at the dividing line between the lands of James E. Freeman running across and through the above described lands to the property of Right of Way of Conley Road and transversing the distance between station 2+21 to station 8+68 extending in all approximately 647 linear feet, as shown by the plans of sewer lines and/or extension of sewer lines on file in the office of the said Clayton County Water Authority at 1600 Battle Creek Road, Morrow, Georgia.

The work shall be done at the expense of Grantee, and said Grantee shall have the right of ingress and egress on said lands for the purposes of constructing, laying, and maintaining said sewer line. Grantee shall exercise reasonable diligence in doing necessary work in connection therewith so as to avoid damaging the property, and the property shall be left in good and clean condition upon completion of the work. Grantee agrees to indemnify, defend, and hold harmless the City of Atlanta, its elected officials, agents, employees, and authorized representatives from and against any and all damage, liabilities and losses (including, without limitation, reasonable attorneys' fees and costs) which may be asserted against the City of Atlanta its elected officials, agents, employees, and authorized representatives, that arise out of the use of the herein described easement areas or the exercise of the herein granted rights by Grantee or its contractors or employees or any other invitee of Grantee using the easement areas, provided that any such damage, liabilities, and losses are not solely the proximate result of a negligent act or omission by the City of Atlanta, its elected officials, agents, employees, and authorized representatives.

The easement conveyed herein to be a 20' Permanent Easement and a 40' Construction Easement.

IN WITNESS WHEREOF, the undersigned City of Atlanta hereunto sets its hand and seal the day and year above written.

CITY OF ATLANTA

(Seal)

Signed, sealed and delivered in the presence of:

By _____
Mayor

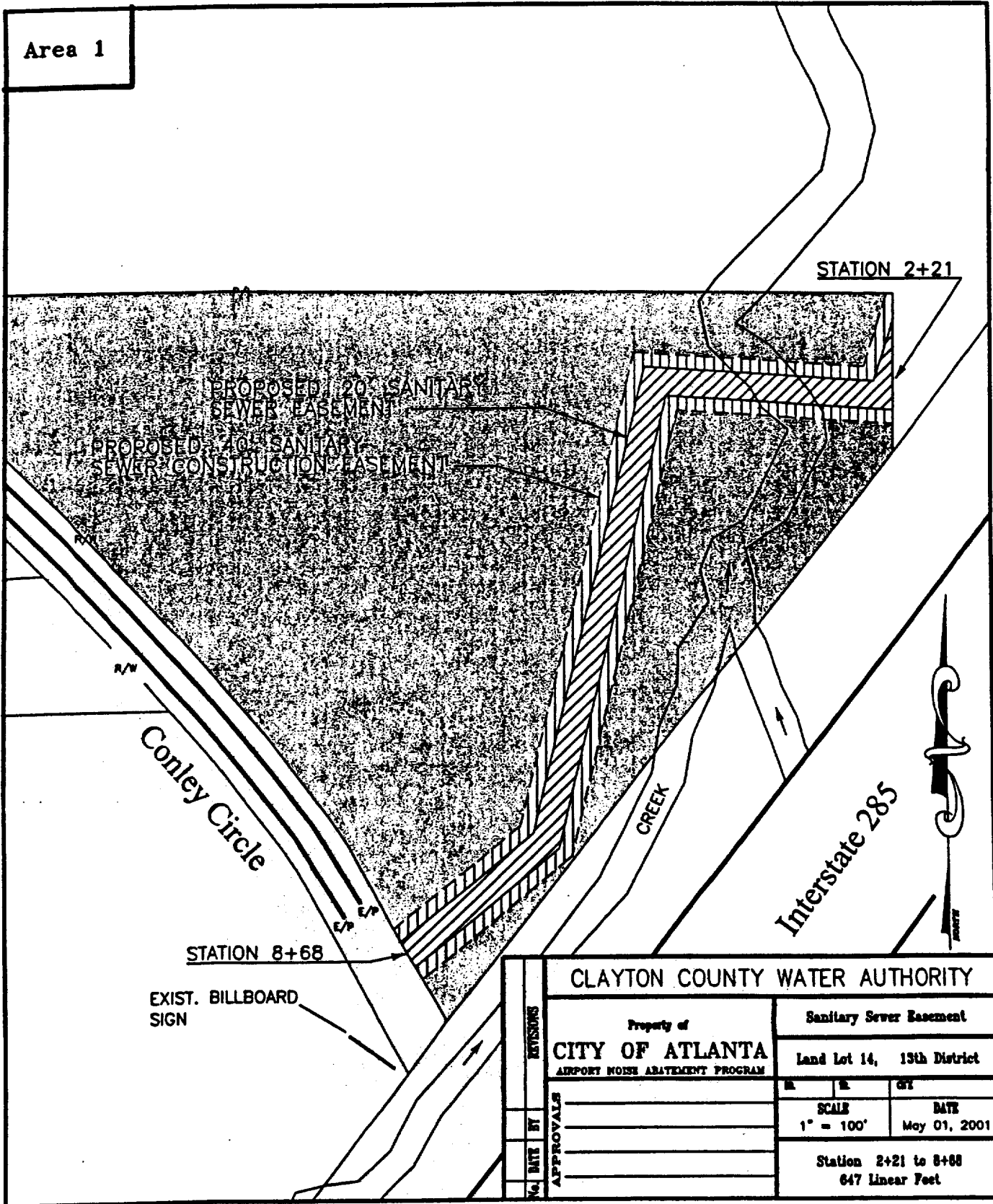
(Witness)

(Notary)

(Seal) Notary Public _____ County, GA.

Attachment I
Page 1 of 11

Area 1



CLAYTON COUNTY WATER AUTHORITY			
Property of		Sanitary Sewer Easement	
CITY OF ATLANTA		Land Lot 14, 13th District	
AIRPORT NOISE ABATEMENT PROGRAM			
APPROVALS	DATE	SCALE	DATE
		1" = 100'	May 01, 2001
		Station 2+21 to 8+68	
		647 Linear Feet	

EXHIBIT A

Clayton County Water Authority
1600 Battle Creek Road
Morrow, Georgia 30260

Job Name: Mt. View Outfall

Job No.

SANITARY SEWER EASEMENT

GEORGIA, CLAYTON COUNTY

THIS CONVEYANCE, executed this ____th day of _____ 2001,

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All that tract or parcel of land located in the 13th Land District of Clayton County, Georgia, and being in Land Lot 14, said property being bounded as follows:

NORTH BY LANDS OF N/F JUNE GAYNELL PRINCE,
WEST BY LANDS OF RIGHT OF WAY OF GILBERT ROAD,
SOUTH BY LANDS OF RIGHT OF WAY OF FREEDOM PARK and
EAST BY LANDS OF RIGHT OF WAY OF DOUGLAS JOHNSON.

Said right-of-way is to begin at the dividing line between the lands of N/F Douglas Johnson running across and through the above described lands to the property of N/F Freedom Park and transversing the distance between station 15+05 to station 15+62 extending in all approximately 57 linear feet, as shown by the plans of sewer lines and/or extension of sewer lines on file in the office of the said Clayton County Water Authority at 1600 Battle Creek Road, Morrow, Georgia.

The work shall be done at the expense of Grantee, and said Grantee shall have the right of ingress and egress on said lands for the purposes of constructing, laying, and maintaining said sewer line. Grantee shall exercise reasonable diligence in doing necessary work in connection therewith so as to avoid damaging the property, and the property shall be left in good and clean condition upon completion of the work. Grantee agrees to indemnify, defend, and hold harmless the City of Atlanta, its elected officials, agents, employees, and authorized representatives from and against any and all damage, liabilities and losses (including, without limitation, reasonable attorneys' fees and costs) which may be asserted against the City of Atlanta its elected officials, agents, employees, and authorized representatives, that arise out of the use of the herein described easement areas or the exercise of the herein granted rights by Grantee or its contractors or employees or any other invitee of Grantee using the easement areas, provided that any such damage, liabilities, and losses are not solely the proximate result of a negligent act or omission by the City of Atlanta, its elected officials, agents, employees, and authorized representatives.

The easement conveyed herein to be a 20' Permanent Easement and a 40' Construction Easement.

IN WITNESS WHEREOF, the undersigned City of Atlanta hereunto sets its hand and seal the day and year above written.

CITY OF ATLANTA

(Seal)

Signed, sealed and delivered in the presence of:

By _____

Mayor

(Witness)

(Notary)

(Seal) Notary Public _____ County, GA.

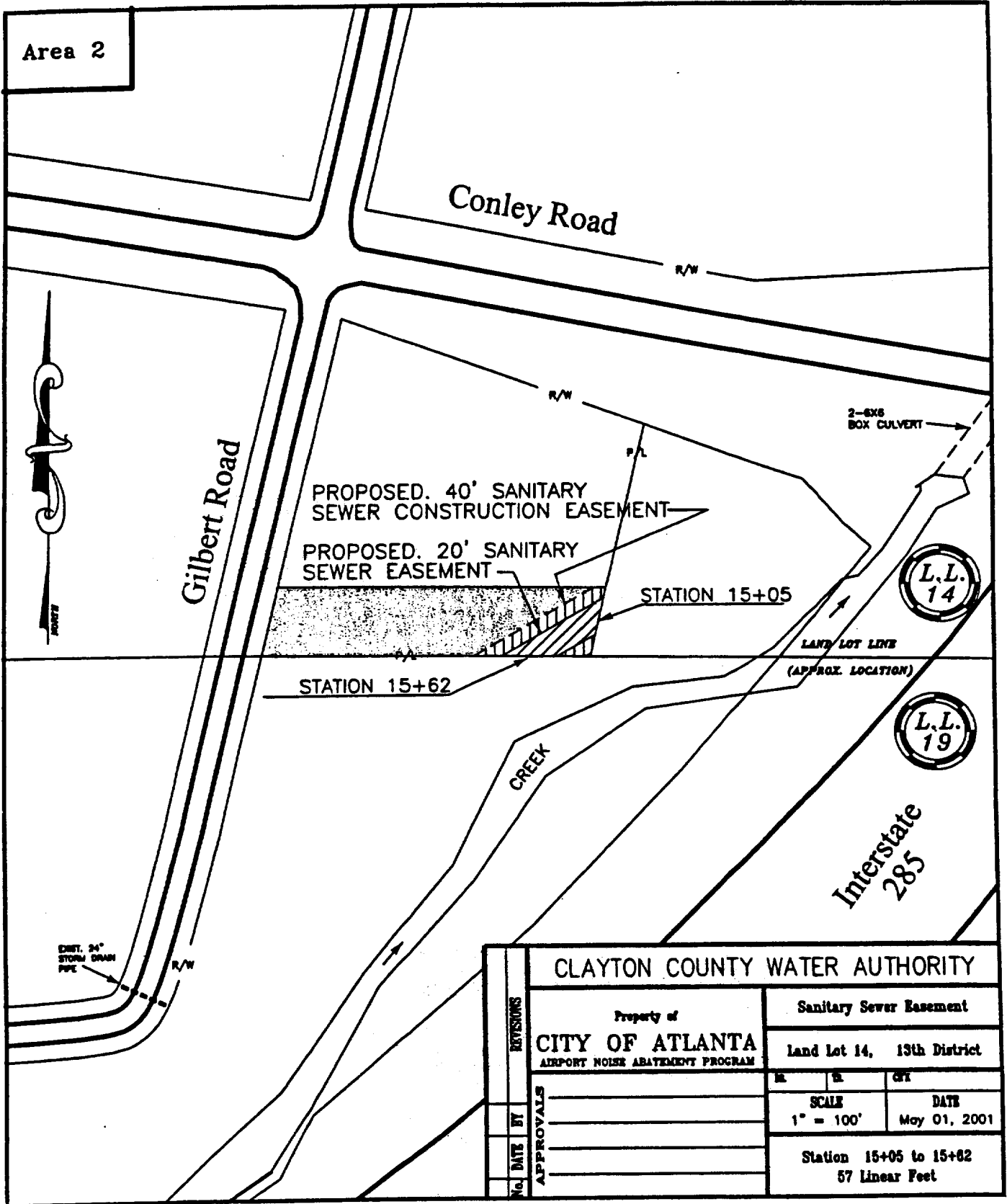


EXHIBIT A

Clayton County Water Authority
1600 Battle Creek Road
Morrow, Georgia 30260

Job Name: Mt. View Outfall

Job No.

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All that tract or parcel of land located in the 13th Land District of Clayton County, Georgia, and being in Land Lot 14, said property being bounded as follows:

NORTH BY LANDS OF RIGHT OF WAY OF BLALOCK STREET,
WEST BY LANDS OF N/F MARVIN CHAFIN,
SOUTH BY LANDS OF N/F HERBERT JOHNSON and
EAST BY LANDS OF N/F FREEDOM PARK CONSERVANCY.

Said right-of-way is to begin at the dividing line between the lands of N/F Freedom Park Conservancy running across and through the above described lands to the property of N/F Marvin Chafin and transversing the distance between station 22+17 to station 28+63 extending in all approximately 646 linear feet, as shown by the plans of sewer lines and/or extension of sewer lines on file in the office of the said Clayton County Water Authority at 1600 Battle Creek Road, Morrow, Georgia.

The work shall be done at the expense of Grantee, and said Grantee shall have the right of ingress and egress on said lands for the purposes of constructing, laying, and maintaining said sewer line. Grantee shall exercise reasonable diligence in doing necessary work in connection therewith so as to avoid damaging the property, and the property shall be left in good and clean condition upon completion of the work. Grantee agrees to indemnify, defend, and hold harmless the City of Atlanta, its elected officials, agents, employees, and authorized representatives from and against any and all damage, liabilities and losses (including, without limitation, reasonable attorneys' fees and costs) which may be asserted against the City of Atlanta its elected officials, agents, employees, and authorized representatives, that arise out of the use of the herein described easement areas or the exercise of the herein granted rights by Grantee or its contractors or employees or any other invitee of Grantee using the easement areas, provided that any such damage, liabilities, and losses are not solely the proximate result of a negligent act or omission by the City of Atlanta, its elected officials, agents, employees, and authorized representatives.

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CITY OF ATLANTA

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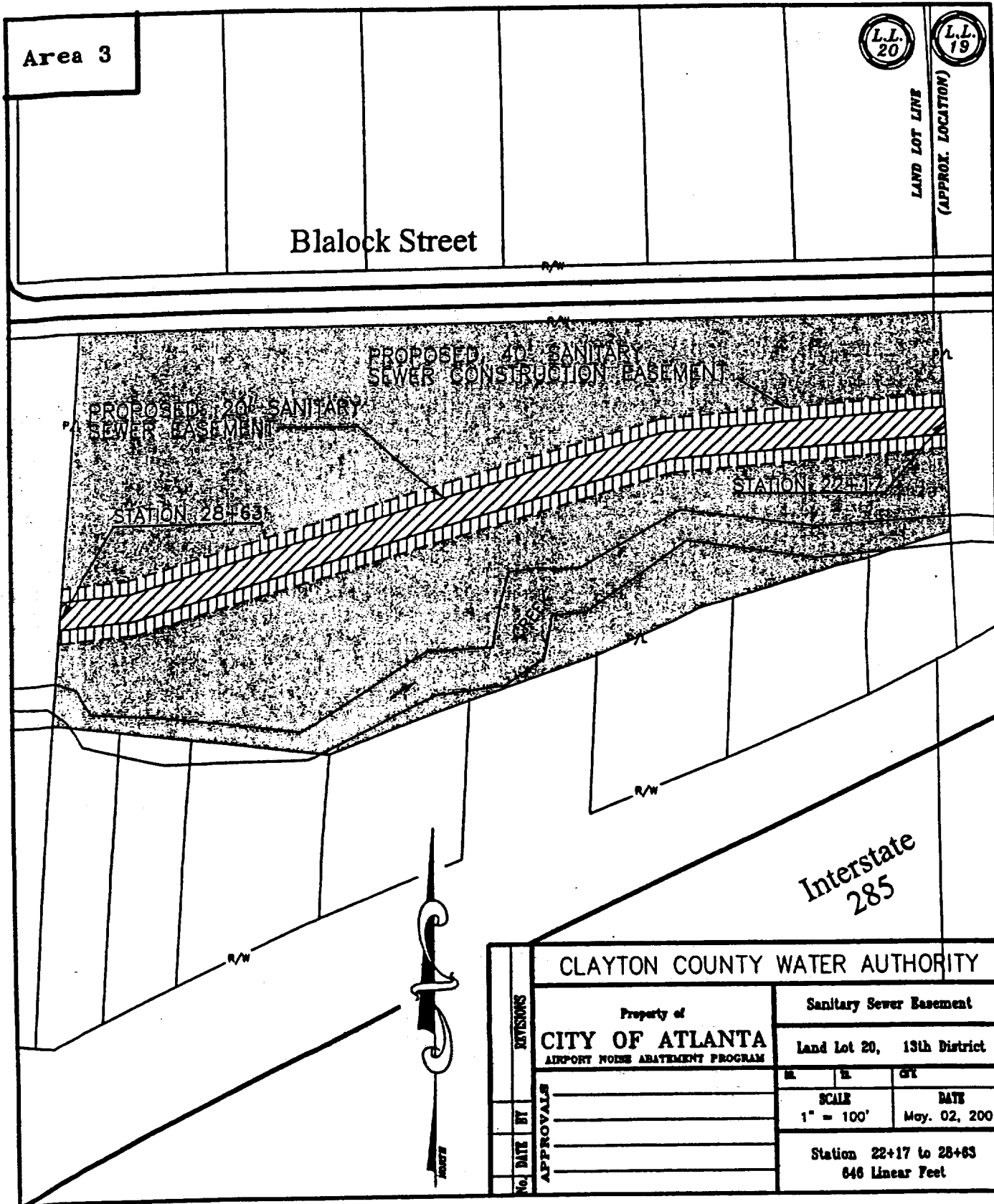
Signed, sealed and delivered in the presence of:

By _____
Mayor

(Witness)

(Notary)

(Seal) Notary Public _____ County, GA.



CLAYTON COUNTY WATER AUTHORITY			
Property of		Sanitary Sewer Easement	
CITY OF ATLANTA		Land Lot 20, 13th District	
AIRPORT NOISE ABATEMENT PROGRAM		IN	GT
REVISIONS		SCALE	DATE
1" = 100'		May. 02, 2001	
APPROVALS		Station 22+17 to 28+63	
No. DATE BY		646 Linear Feet	

EXHIBIT A

Clayton County Water Authority
1600 Battle Creek Road
Morrow, Georgia 30260

Job Name: Mt. View Outfall

Job No.

SANITARY SEWER EASEMENT

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All that tract or parcel of land located in the 13th Land District of Clayton County, Georgia, and being in Land Lot 14, said property being bounded as follows:

NORTH BY LANDS OF RIGHT OF WAY OF BLALOCK STREET,
WEST BY LANDS OF N/F LARRY BROWNLEE JR.,
SOUTH BY LANDS OF RIGHT OF WAY OF GENEVA ST. and
EAST BY LANDS OF N/F CARL H. CAMP.

Said right-of-way is to begin at the dividing line between the lands of N/F Carl H. Camp running across and through the above described lands to the property of Right of Way of Geneva St. and transversing the distance between station 31+71 to station 33+83 extending in all approximately 212 linear feet, as shown by the plans of sewer lines and/or extension of sewer lines on file in the office of the said Clayton County Water Authority at 1600 Battle Creek Road, Morrow, Georgia.

The work shall be done at the expense of Grantee, and said Grantee shall have the right of ingress and egress on said lands for the purposes of constructing, laying, and maintaining said sewer line. Grantee shall exercise reasonable diligence in doing necessary work in connection therewith so as to avoid damaging the property, and the property shall be left in good and clean condition upon completion of the work. Grantee agrees to indemnify, defend, and hold harmless the City of Atlanta, its elected officials, agents, employees, and authorized representatives from and against any and all damage, liabilities and losses (including, without limitation, reasonable attorneys' fees and costs) which may be asserted against the City of Atlanta its elected officials, agents, employees, and authorized representatives, that arise out of the use of the herein described easement areas or the exercise of the herein granted rights by Grantee or its contractors or employees or any other invitee of Grantee using the easement areas, provided that any such damage, liabilities, and losses are not solely the proximate result of a negligent act or omission by the City of Atlanta, its elected officials, agents, employees, and authorized representatives.

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Signed, sealed and delivered in the presence of:

CITY OF ATLANTA

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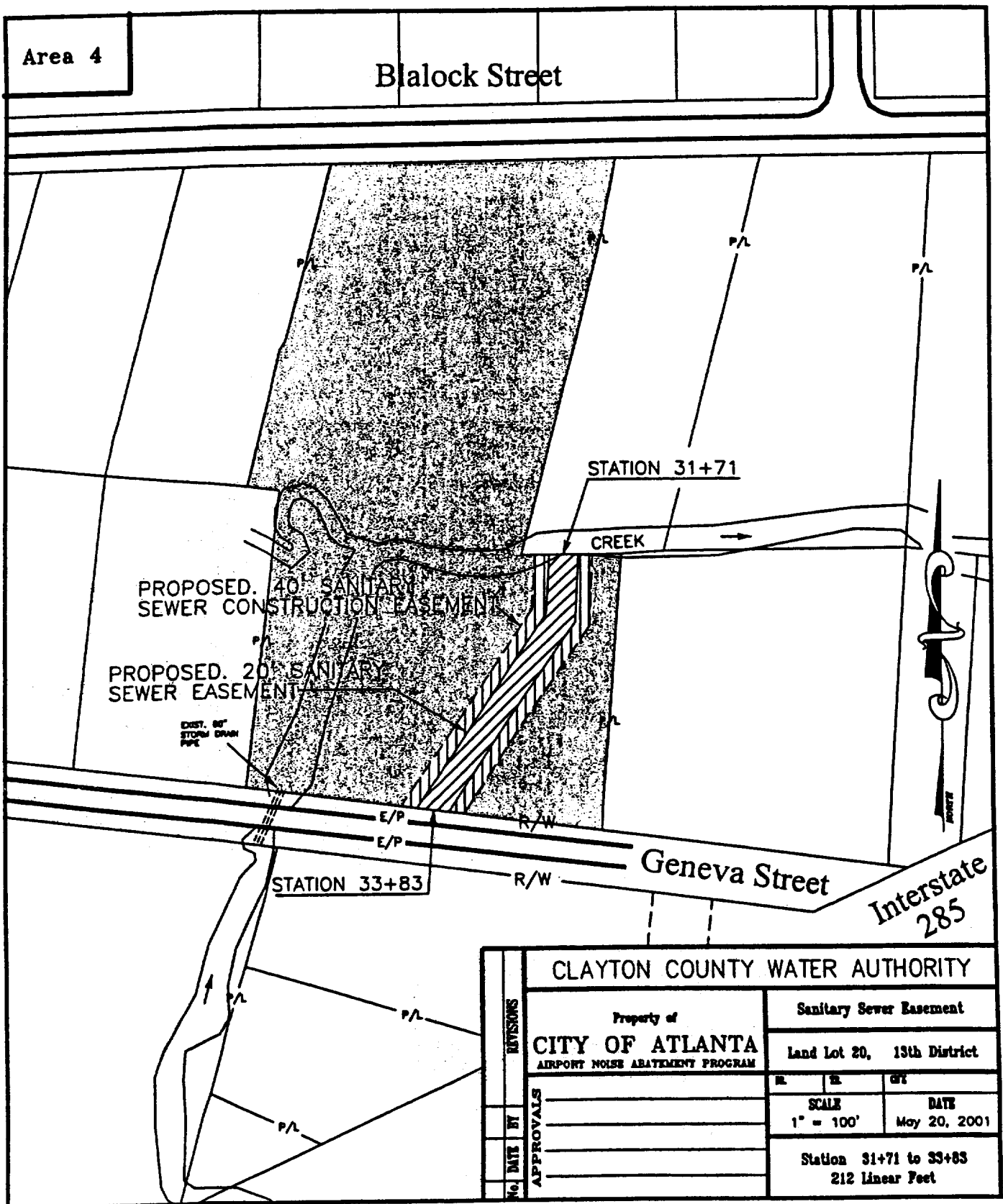
By _____
Mayor

(Witness)

(Notary)

(Seal) Notary Public _____ County, GA.

Attachment 1
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CLAYTON COUNTY WATER AUTHORITY

Property of
CITY OF ATLANTA
AIRPORT NOISE ABATEMENT PROGRAM

Sanitary Sewer Easement

Land Lot 20, 13th District

RE	RE	GT
SCALE 1" = 100'		DATE May 20, 2001

Station 31+71 to 33+83
212 Linear Feet

EXHIBIT A

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NORTH BY LANDS OF RIGHT OF WAY OF GENEVA STREET,
WEST BY LANDS OF RIGHT OF WAY OF EVANS STREET,
SOUTH BY LANDS OF RIGHT OF WAY OF I-285 and
EAST BY LANDS OF N/F DONALD LEON WILLIAMS.

Said right-of-way is to begin at the dividing line between the lands of N/F Donald Leon Williams running across and through the above described lands to the property of N/F The Mann Co. and transversing the distance between station 36+41 to station 43+07 extending in all approximately 666 linear feet, as shown by the plans of sewer lines and/or extension of sewer lines on file in the office of the said Clayton County Water Authority at 1600 Battle Creek Road, Morrow, Georgia.

The work shall be done at the expense of Grantee, and said Grantee shall have the right of ingress and egress on said lands for the purposes of constructing, laying, and maintaining said sewer line. Grantee shall exercise reasonable diligence in doing necessary work in connection therewith so as to avoid damaging the property, and the property shall be left in good and clean condition upon completion of the work. Grantee agrees to indemnify, defend, and hold harmless the City of Atlanta, its elected officials, agents, employees, and authorized representatives from and against any and all damage, liabilities and losses (including, without limitation, reasonable attorneys' fees and costs) which may be asserted against the City of Atlanta its elected officials, agents, employees, and authorized representatives, that arise out of the use of the herein described easement areas or the exercise of the herein granted rights by Grantee or its contractors or employees or any other invitee of Grantee using the easement areas, provided that any such damage, liabilities, and losses are not solely the proximate result of a negligent act or omission by the City of Atlanta, its elected officials, agents, employees, and authorized representatives.

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(Witness)

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Attachment I

Page 9 of 11

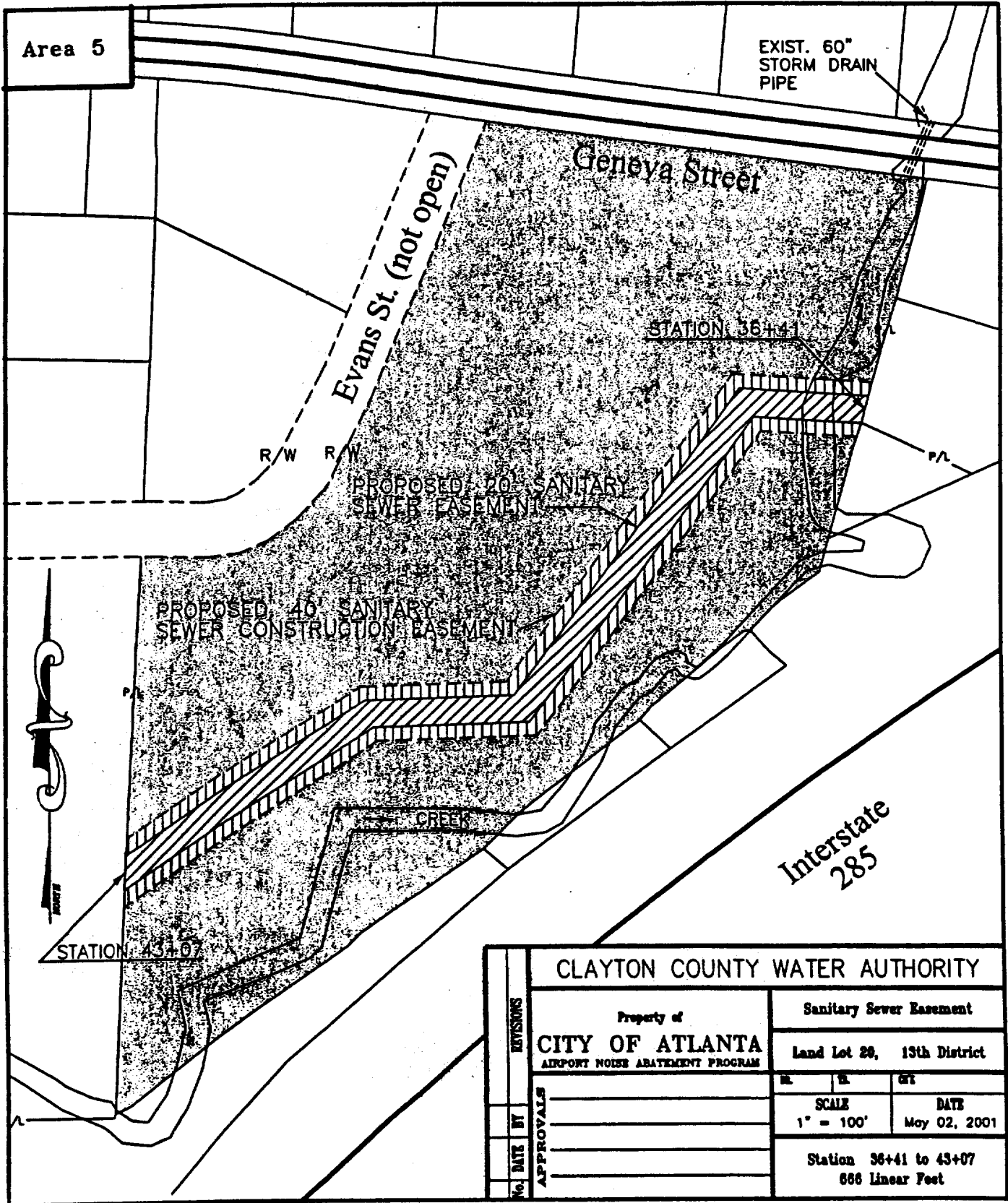


EXHIBIT A

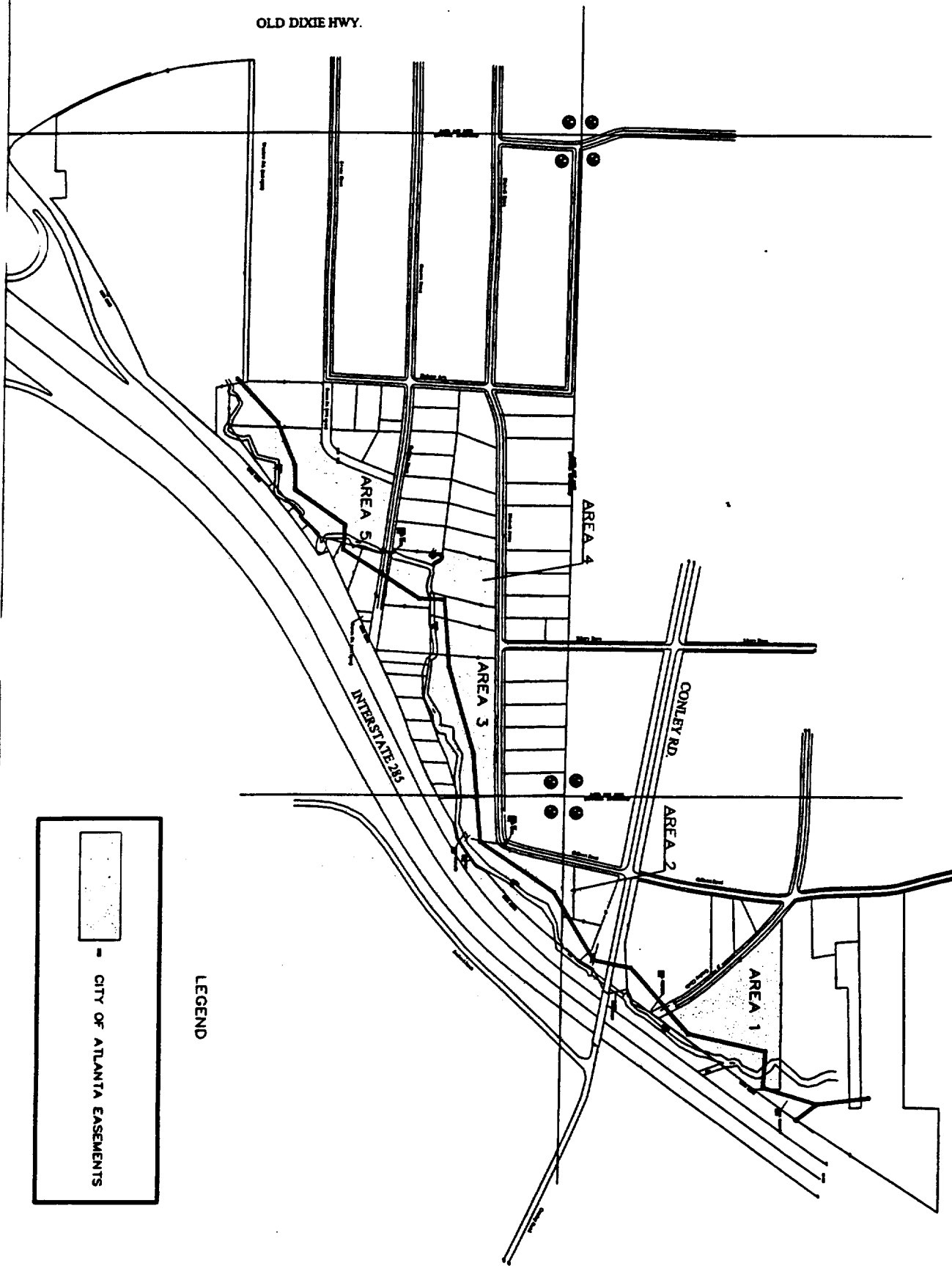


EXHIBIT B

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

General Manager's Signature: MA

From: Originating Department: Aviation

Contact Person: Charles Fister (404-209-1700)

Committee of Purview: Transportation

Committee Deadline: 8/31/01

Committee Meeting: 9/12/01

Council Meeting: 9/17/01

CAPTION: **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
SANITARY SEWER EASEMENTS ACROSS FIVE SEPARATE
PARCELS OF LAND OWNED BY THE CITY OF ATLANTA IN
THE EAST MT. VIEW AREA ADJACENT TO HARTSFIELD
ATLANTA INTERNATIONAL AIRPORT, WHICH SHALL
CONVEY TO THE CLAYTON COUNTY WATER AUTHORITY
THE RIGHT OF WAY FOR EXTENSION OF THE SANITARY
SEWER SYSTEM IN THE MT. VIEW AREA OF CLAYTON
COUNTY; AND FOR OTHER PURPOSES.**

BACKGROUND/DISCUSSION:

The City of Atlanta acquired certain real property in the East Mt. View area of Clayton County, east of Hartsfield Atlanta International Airport, under a federally funded Airport Noise Mitigation Program for the purpose of relocating residents and redeveloping the area in a manner compatible with the Airport and satisfactory to Clayton County. The Clayton County Water Authority is planning an extension to its sanitary sewer system in the Mt. View area to support redevelopment for commercial uses. The planned extension crosses five separate parcels of City land and will make sewer service available to these parcels. The requested easements will allow for construction and maintenance of the planned sewer extension. Consideration to the City for these easements consists of enhanced land values arising from the ready availability of a sanitary sewer system to serve the City's property and adjacent land in the area being developed primarily for aviation related businesses.

FINANCIAL IMPACT: None

SOURCE: Not Applicable

Mayor's Staff Only:

Received by Mayor's Office: 8/27/01 (Date) Reviewed: JO (Initials) (Date)

Submitted to Council: _____

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended
 ☐ Substituted ☐ Referred ☐ Other